

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 483, FOOD AND DRUGS ACT.

MISBRANDING OF BITTERS.

On or about April 4, 1910, the Imperial Distilling & Cordial Co., Chicago, Ill., shipped from the State of Illinois to the State of Minnesota 25 boxes of bitters, each of which boxes was labeled "12 Bottles Bitters," and each of which bottles was labeled—

"Italy Fernet-Branca Dei Fratelli Branca E. Comp. Milano via Broletto N 35 Vecino Alla Chiesa di S. Tomaso Fernet-Branca Flli Branca Milan L. Gandolfi & Co., New York, Sole Importers for the U. S., Mexc., Canada, Cuba and Porto Rico."

Analysis of sample of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the district of Minnesota.

In due course a libel was filed in the District Court of the United States for said district against the said 25 boxes of bitters, charging the above shipment and alleging that the product was misbranded, in that the said bottles were falsely labeled and misbranded so as to deceive and mislead the purchaser, as by said labels it is purported that the contents of each of said bottles of bitters is a foreign product, imported from Italy, when, as a matter of fact, said bottles of bitters and the contents thereof had not been made or manufactured in Italy, but in Chicago, Ill., U. S. A.; and praying seizure, condemnation, and forfeiture of the product.

On May 10, 1910, the case came on for hearing, and no claimant for the product having entered an appearance, the court, being fully informed in the premises, issued its decree sustaining the allegations of the libel above set forth, condemning and forfeiting the product to the use of the United States, and ordering its destruction by the marshal of the district aforesaid.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1910.*